

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS TUCKER,)	
)	
Plaintiff,)	Civil Action No. 04-1892
)	
v.)	Judge McVerry
)	Magistrate Judge Caiazza
WILLIAM S. STICKMAN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights suit was commenced on December 17, 2004, with the filing of petition to proceed *in forma pauperis*, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 8, 2007, recommended that the Defendants' Motion for Summary Judgment be granted, and that the Plaintiff's Motion for Summary Judgment be denied. A copy of the Report and Recommendation was sent to the Plaintiff by First Class United States Mail to SCI Graterford. The parties were allowed ten days from the date of service to file objections. Objections were due on January 24, 2007. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 5th day of February, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 44) is GRANTED, and that the Plaintiff's Motion for Summary Judgment (Doc. 51) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 54), dated January 8, 2007, is adopted as the opinion of the court.

BY THE COURT:

s/Terrence F. McVerry
U.S. District Court Judge

cc: Douglas Tucker
DV-2095
SCI Graterford
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